



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

November 13, 2006

Mr. Michael LaMarche
Clearview Plaza LLC
17408 Highway 9, Suite 201
Clearview, WA 98296

**Re: No Further Action Determination under WAC 173-340-515(5) for the following
Hazardous Waste Site:**

- Name: Panda Dry Cleaners
- Address: 17424 SR 9 S.E., Snohomish, WA 98296
- Facility/Site No.: 6415888
- VCP No.: NW1588

Dear Mr. LaMarche:

Thank you for submitting your independent remedial action report for the Panda Dry Cleaners facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.



Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. Phase I Environmental Site Assessment Clearview Plaza, prepared by LandAmerica Assessment Corporation, June 30, 2005.
2. Phase II Limited Subsurface Investigation Report Clearview Plaza, prepared by LandAmerica Assessment Corporation, August 8, 2005.
3. Letter Report Assessment of Environmental Conditions Panda Dry Cleaners Clearview Plaza, prepared by URS Corporation, July 13, 2006.
4. Letter from Michael LaMarche of Clearview Plaza LLC with attachments, October 24, 2006.

The documents listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact at 425-649-7190.

The Site is defined by the extent of contamination caused by the following release(s):

- Tetrachloroethylene (PCE) in soil.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) conducted at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **no further remedial action is necessary** at the Site under MTCA.

This opinion is based on the continued effectiveness of the institutional control(s) required as part of the cleanup action for the Site under WAC 173-340-440. A copy of the Restrictive Covenant(s) filed for any property as part of the cleanup action for the Site is enclosed with this letter as Enclosure B. If any portion of any Restrictive Covenant is violated, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

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Based on this no further action determination, Ecology will update the status of the Site on its site database and remove the Site from the Confirmed and Suspected Contaminated Sites List.

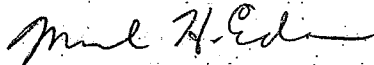
This no further action determination does not apply to any other release(s) or potential release(s) of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by Clearview Plaza LLC.

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in successfully completing cleanup under the Voluntary Cleanup Program (VCP). If you have any questions regarding this opinion, please contact me at 425-649-7070.

Sincerely,



Mark H. Edens
VCP Unit Supervisor
Toxics Cleanup Program

MHE:nr

Enclosures: 2

ENCLOSURE A

Site Summary

The Site is located in the Clearview Property shopping center at 17408 Highway 9 S.E., Snohomish, Washington 98296 in Snohomish County. The address for Panda Dry Cleaners is 17424 Highway 9 S.E., Snohomish, Washington. The Panda Dry Cleaners facility is an approximately 260 square foot tenant space within Clearview Plaza and is described as Lot 6, Unit 6.

The Site is located at approximately 600 feet above mean sea level and slopes gently to the southeast. The nearest surface water body is the Snohomish River about 3 miles east of the Site. Except for some small planting areas immediately to the east and west, the Site is surrounded by pavement or other structures. Soils beneath the structure and in adjacent areas consist of fine to medium grained sand with silt. Groundwater is approximately 9 feet below the ground surface and the groundwater gradient is easterly or southeasterly.

A dry cleaning machine is located in the center of the structure. The dry cleaning machine is designed to contain any spillage of dry cleaning fluid from the machine. Adequate containment is also provided for dry cleaning fluid that is delivered to the Site. Large above ground or underground storage tanks for dry cleaning fluid have never been used at the Site. The concrete floor of the structure is covered in tile, except for a bare concrete area beneath the dry cleaning machine and extending out about one foot around the perimeter of the dry cleaning machine.

Tetrachloroethylene (PCE) was detected in two soil borings between 1 and 2 feet deep beneath the concrete floor of the structure. The concentrations were 0.1 mg/kg and 0.3 mg/kg which exceed the MTCA Method A cleanup level of 0.05 mg/kg. PCE was not detected in soil or groundwater in borings installed outside the structure.

Sealing of the floor around the dry cleaning machine and institutional controls were determined to be the best cleanup option for this site because:

1. Concentrations of PCE beneath the floor of the structure are low and do not represent a significant risk to human health and the environment.
2. PCE was not detected in groundwater at the Site.
3. PCE has never been stored in large above ground or underground tanks at the Site.
4. Adequate containment is provided for the dry cleaning machine and for dry cleaning fluids that are delivered to the Site.

5. The most probable source of the release is minor spillage of dry cleaning fluid on the bare concrete floor between the dry cleaning machine and the tiled floor area.

Documentation that the floor around the dry cleaning machine was sealed was provided to Ecology on October 25, 2006. A restrictive covenant for the site was filed with Snohomish County on October 24, 2006. The restrictive covenant requires the PCE-contaminated soil to remain contained under the structure of the Site. The restrictive covenant requires the owner to notify Ecology in advance if there are any planned modifications to the structure that might cause a release or exposure to the environment of the contaminated soil or that might create a new exposure pathway.

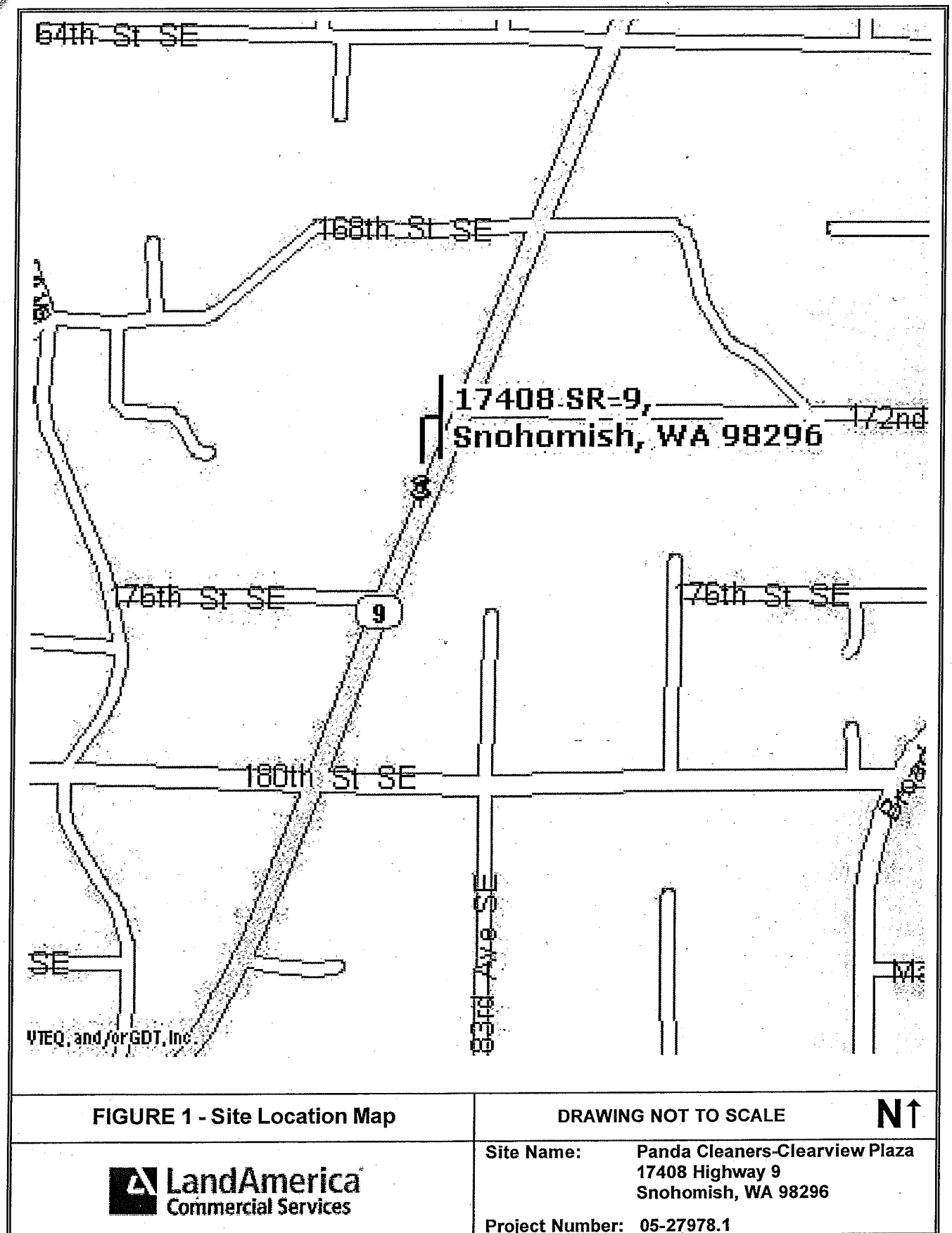
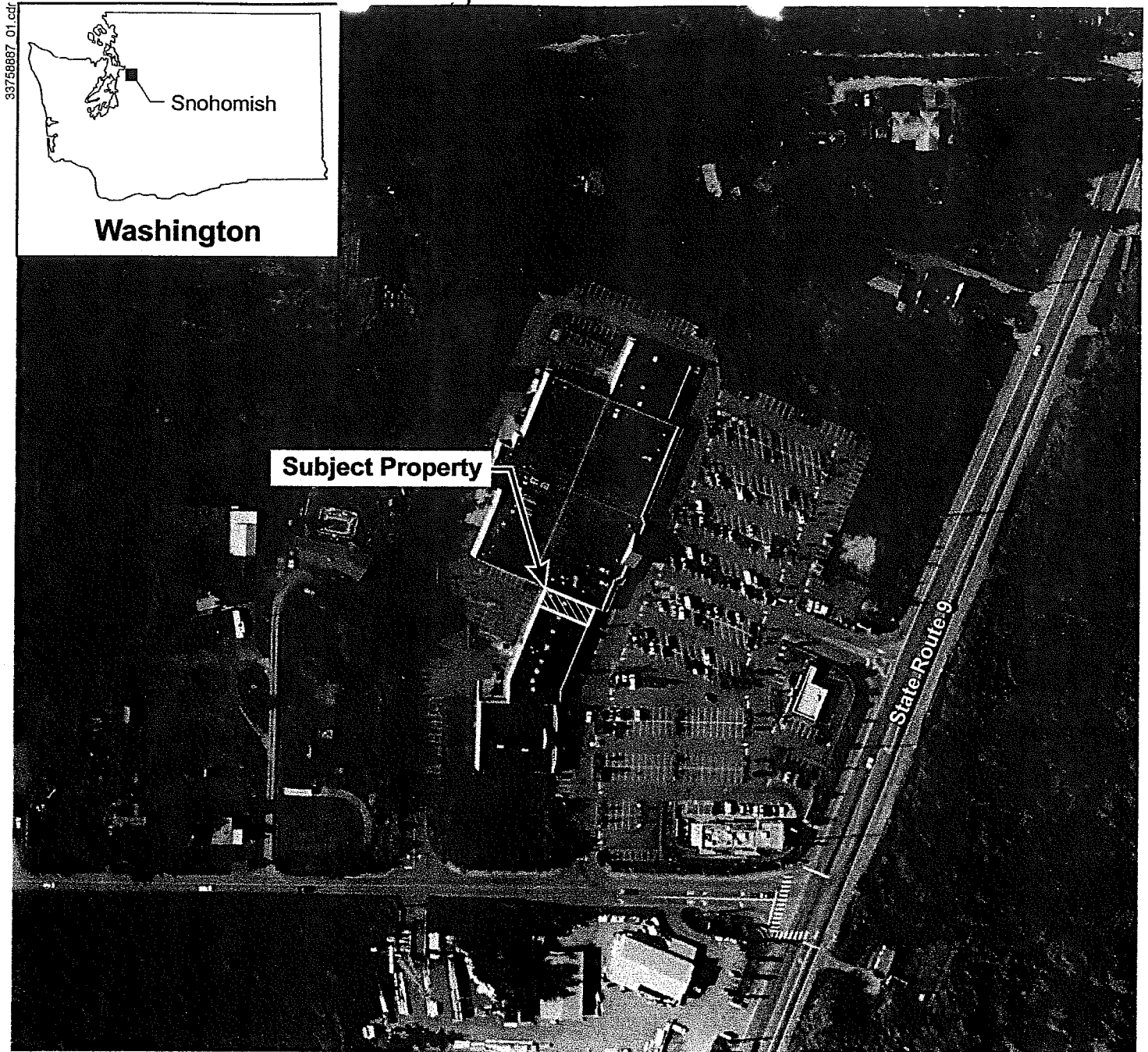
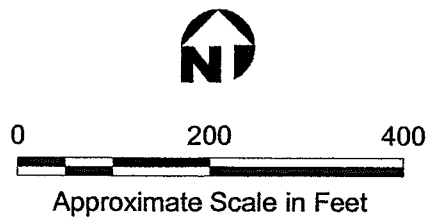
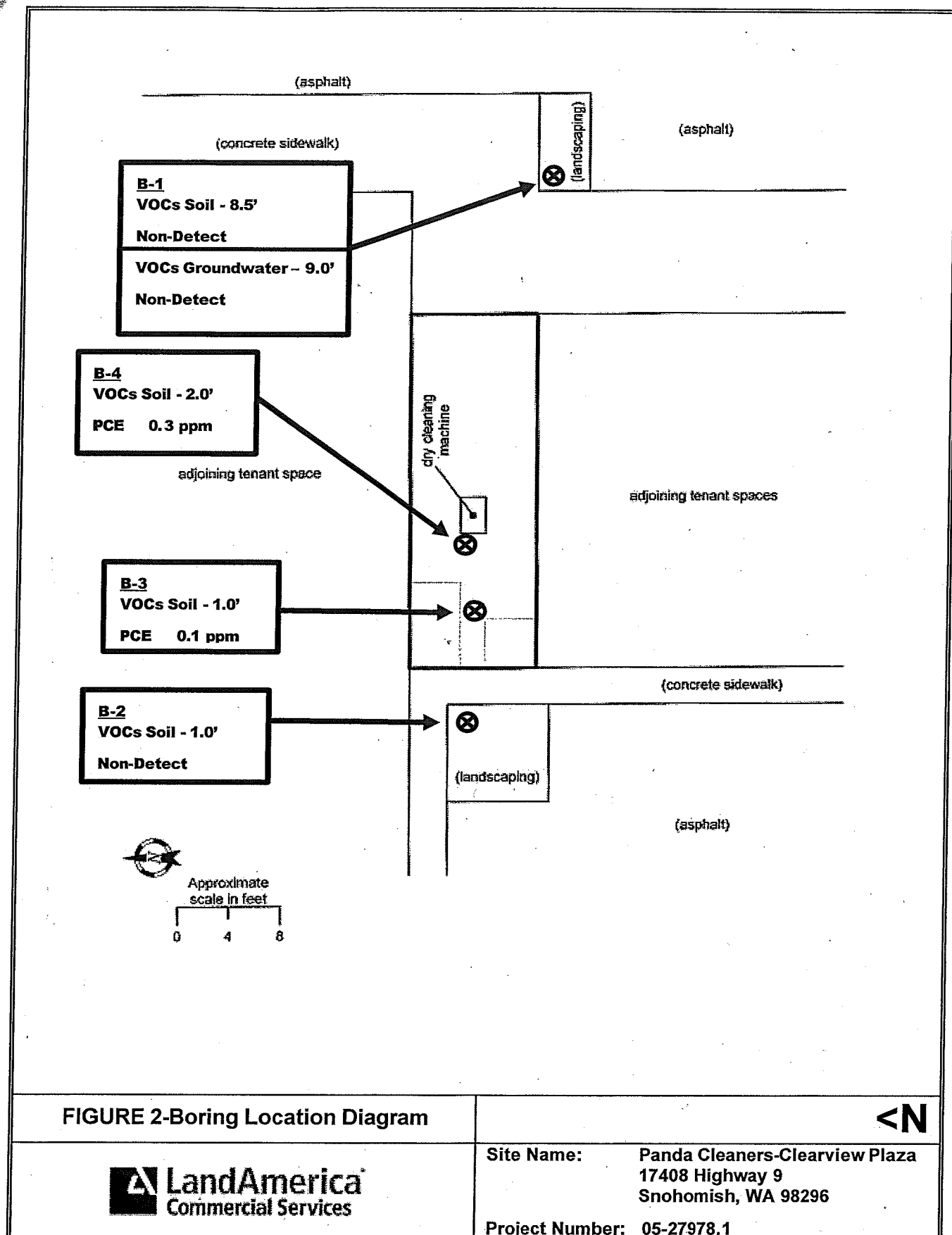


Figure 1.



SOURCE: Google Earth Pro, 2005



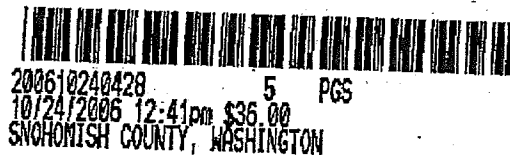


ENCLOSURE B

Restrictive Covenant

Return Address:

Clearview Plaza, LLC
17408 SR 9
Suite 201
Snohomish, WA. 98296



RESTRICTIVE COVENANT

Reference Number(s) of Related Documents:

☐ Additional reference numbers on page _____ of document(s).

Grantor(s) (Last name first, then first name and initials):

Clearview Plaza, LLC

☐ Additional names on page _____ of document(s).

Grantee(s) (Last name first, then first name and initials):

Washington State Department of Ecology

☐ Additional names on page _____ of document(s).

Legal Description (abbreviated: i.e., lot, block, plat or section, township, range):

Unit 6, Northern most 260 square foot portion of Lot #6 ,
17424 SR 9 SE , Snohomish, WA. 98296

☐ Full legal is on page/exhibit A of document(s).

Assessor's Property Tax Parcel/Account Number(s):

STR: 11-27-05
27051100409400

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RESTRICTIVE COVENANT

Panda Dry Cleaners-Clearview Plaza

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by **Clearview Plaza, LLC**, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following document[s]:

Letter Report Assessment of Environmental Conditions, Panda Dry Cleaners (TCP ID # 1588), Clearview Plaza, Snohomish, Washington. Prepared by URS Corporation on July 13, 2006

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of tetrachloroethylene (PCE) which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-900.

The undersigned, **Clearview Plaza, LLC**, is the fee owner of real property (hereafter "Property") in the County of Snohomish, State of Washington that is subject to this Restrictive Covenant.

Clearview Plaza, LLC makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute

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covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. A portion of the Property contains tetrachloroethylene (PERC) contaminated soil, located beneath the central and western portions of the concrete floor of the building occupied by Panda Dry Cleaners, 17424 SR 9 SE, Snohomish, WA. 98296, Lot# 6, Unit 6, as shown in Figure 1. The Owner shall not alter, modify, or remove the existing structure in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) days advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by

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the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

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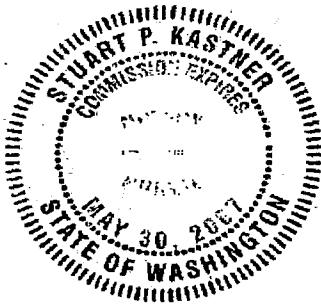
Michael LaMarche

Michael LaMarche, Clearview Plaza, LLC

10/23/06

[DATE SIGNED]

[NOTE: The Property Owner must have this Restrictive Covenant notarized.]



Subscribed and sworn to before me
this 23rd day of October 2006

Stuart Kastner

STUART P. KASTNER

My commission expires 5/30/07

Exhibit A

27051100409400

Alternate Property Number: 11270540940000

Real Property

03669

17424 SR 9 SE
SNOHOMISH WA 98290

SEC 11 TWP 27 RGE 05

LOT 6 CLEARVIEW PLAZA B.S.P. REC VOL 2 OF BSP'S PGS 24-25 REC AF 9406095001 & BEING PTN N1/2 SE1/4

Name & Address

CLEARVIEW PLAZA LLC
12613 38TH AVE SE
EVERETT WA 98208

CLEARVIEW PLAZA LLC
12613 38TH AVE SE
EVERETT WA 98208

Property Values

Value Name

Taxable Value

Market Total

Assessed Value

Market Land

Market Improvement

2004

2005

\$1,811,800

\$651,800

\$1,811,800

\$651,800

\$1,811,800

\$651,800

\$1,811,800

\$651,800

\$1,811,800

\$651,800

Property Characteristics

Tax Year Characteristics

Unit of Measure

Size (sq ft)

Surface Area

Exemptions